



California Regional Water Quality Control Board

North Coast Region

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Environmental
Protection

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October 7, 2002

Mr. J. David Colfax, Ph.D. Chairman
Mendocino County Board of Supervisors
501 Low Gap Road, Room 1090
Ukiah, CA 95482

Dear Mr. Colfax:

Subject: California Water Code Section 13267 Order regarding Laytonville Landfill
Groundwater Investigation

File: Mendocino County, Laytonville Solid Waste Disposal Site, WDID No.
1B75050OMEN

We are in receipt of your July 10, 2002, letter regarding delay of the implementation of the groundwater investigation for the Laytonville Landfill (Site) as required by an Order issued by the Regional Water Board pursuant to California Water Code (CWC) Section 13267 Order on January 8, 2002. We understand that the decision to delay was based upon a breakdown in negotiations with the Cahto Tribe for an access agreement necessary for installation of the proposed background wells. While it is understandable that Mendocino County would prefer to install background wells at the same time as execution of the rest of the groundwater investigation, it is not in the best interest of water quality to delay the remainder of the project indefinitely.

Regional Water Board staff have reviewed both the July 9, 2002, comment letter from Gasch & Associates, prepared for the Cahto Tribe and Tribal Association, Solid Waste & Emergency Response (TASWER), on Mendocino County's work plan, and Mendocino County's response letter of August 14, 2002. Regional Water Board staff still concludes that Mendocino County's work plan is adequate for the specific purposes of this portion of the groundwater investigation. Actual adequacy of the groundwater monitoring network and hydrogeologic model will need to be evaluated after additional work is complete and data are collected.

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As such, the Regional Water Board issues the following additional Section 13267 Order, which specifies the necessary steps for completion of the groundwater investigation required in the January 8, 2002, 13267 Order. The deadline for negotiations with the Cahto Tribe are five and a half months prior to the deadline for new well installations to allow Mendocino County sufficient lead time for a work plan addendum, if necessary, and for contracting and scheduling the fieldwork.

The monitoring network at the Site is insufficient to determine the groundwater gradient in the alluvium and upper Franciscan aquifer necessary to develop a hydrogeologic model for the Site. This information is necessary to evaluate the effectiveness of the Site's groundwater monitoring program. Based on the potential threats to water quality, additional groundwater investigation work shall be performed at the Laytonville Landfill.

Pursuant to Section 13267(b) of the California Water Code, the following work is required to conduct the previously mandated groundwater investigation:

- 1) The April 8, 2002, Work Plan and its June 10, 2002, Amendment as approved by the Regional Water Board on June 24, 2002, shall be implemented if an access agreement can be reached with the Cahto Tribe by January 31, 2003.
- 2) If an access agreement for the background wells is not reached by January 31, 2003, Mendocino County shall submit an amendment to their work plan. This amendment shall propose a groundwater investigation without the background wells that still meets the requirements for determining groundwater gradient; development of a hydrogeologic model; and providing an appropriate groundwater monitoring network for the Site. This amended work plan shall be submitted by March 14, 2003, if necessary. The Regional Water Board acknowledges that Mendocino County cannot install background wells without access to Cahto Tribal lands because of the proximity of the waste footprint to the property boundary in the presumed upgradient direction (south).
- 3) New wells and piezometers for the groundwater investigation shall be installed as soon as practicable during the 2003 construction season, but no later than **July 18, 2003**.
- 4) After installation, groundwater elevations in all (new and existing) wells and piezometers shall be measured and reported, at a minimum, on a quarterly basis. Groundwater elevations for a given sampling event shall be measured on the same day. Groundwater elevations shall be measured during all groundwater sampling events.
- 5) New wells shall be sampled for the same parameters as the existing monitoring network, including the metals sampling described in the January 8, 2002, Section 13267 Order.

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Accelerated sampling shall be conducted for those parameters that require statistical monitoring such that a minimum of four discrete sampling events is completed during the first semiannual period after well installation to determine tolerance limits. Results and new tolerance limits shall be reported with the regular quarterly monitoring reports.

- 6) New wells shall be sampled for PCBs quarterly and reported with the quarterly monitoring reports for a minimum of two quarters. At such time, if data warrant it, Mendocino County may request discontinuing the PCB sampling. This sampling shall continue until the Regional Water Board agrees sufficient data are collected to verify that there are no likely impacts to groundwater from any potential PCBs disposed at the landfill.
- 7) The Discharger shall provide a report describing installation of the new wells and piezometers within 90 days of completion at the last location. This report at a minimum shall include boring logs for all new locations; site maps showing the locations of all the Site's wells and piezometers; groundwater contour and flow direction maps for the alluvium and upper Franciscan aquifers; geologic cross-sections; well development data including pumping rates and recharge data; well/piezometer surveying data; and an evaluation of the adequacy of the Site's groundwater monitoring network and hydrogeologic model.

The foregoing groundwater investigation is needed to address the potential water quality threat posed by the Laytonville Landfill and to assess the adequacy of the Site's monitoring program. The groundwater investigation and monitoring required by this Order will serve to determine whether water pollution is occurring and if so lead to the development of a corrective action plan. More detailed information is available in the Regional Water Board's public file on this matter.

Any person failing to complete the above tasks by the required dates or falsifying any information in the report and/or work plan is, pursuant to CWC Section 13268, guilty of a misdemeanor and may be subject to administrative civil liabilities of up to one thousand dollars (\$1,000.00) for each day in which the violation occurs.

Any person affected by this action of the Regional Water Board may petition the State Water Resources Control Board (State Water Board) to review the action in accordance with CWC Section 13320 and Title 23, California Code of Regulations, Section 2050. The petition must be received by the State Water Board within 30 days of the date of this Order. Copies of the law and regulations applicable to filing petitions will be provided upon request. In addition to filing a petition with the State Board, any person affected by this Order may request the Regional Water Board to reconsider this Order. To be timely, such request must be made within 30 days of the date of this Order. Note that even if reconsideration by the Regional Water Board is

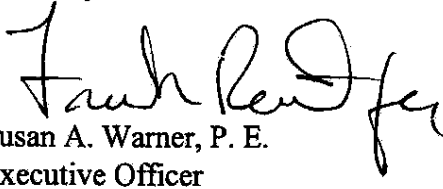
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sought, filing a petition with the State Water Board within the 30-day period is necessary to preserve the petitioner's legal rights.

If you should have any questions or require clarifications please contact Gina Morrison of my staff at (707) 576-2501.

Sincerely,


Susan A. Warner, P. E.
Executive Officer

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Certified Return Receipt Requested

cc: Mr. Paul Cayler, Solid Waste Division Director,
Mendocino County – Solid Waste Division, 559 Low Gap Road, Ukiah, CA 95482
Trey Strickland, Mendocino County Health Department, 501 Low Gap Road, Room 1326,
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Reinhard Hohlwein, California Integrated Waste Management Board, P.O. Box 4025,
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San Francisco, CA 94105
Brandy Tomhave, J.D., TASWER, 1001 Connecticut Avenue, Suite 400,
Washington, DC 20036-5504
Marilyn Underwood, California Department of Health Services, 1515 Clay Street,
17th Floor, Oakland, CA 94612
Mr. Vernon Wilson, Tribal Chair, Cahto Tribe of the Laytonville Rancheria,
P.O. Box 1239, Laytonville, CA 95454

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